

## STATE OF SOUTH CAROLINA

## (Caption of Case)

Joint Application of BellSouth Telecommunications,  
Incorporated d/b/a AT&T South Carolina and AT&T  
Communications of the Southern States, LLC for  
Approvals and Waivers for Proposed Migration of  
Residential Local Exchange Service Customers in  
South Carolina

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

## COVER SHEET

DOCKET  
NUMBER: 2007 - 213 - C

(Please type or print)

Submitted by: Patrick W. Turner

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## DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition☒ Request for item to be placed on Commission's Agenda expeditiously☐ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
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<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input checked="" type="checkbox"/> Proposed Oder	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

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**BellSouth Telecommunications, Inc.**  
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July 12, 2007

The Honorable Charles Terreni  
Chief Clerk of the Commission  
Public Service Commission of South Carolina  
Post Office Drawer 11649  
Columbia, South Carolina 29211

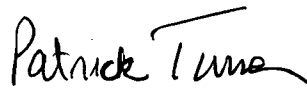
Re: Docket Number 2007-213-C

Dear Mr. Terreni:

Enclosed for filing are an original and one (1) copy of BellSouth Telecommunications, Inc.'s d/b/a AT&T South Carolina ("AT&T") Motion for Expedited Review and Approval of Joint Application in the above-referenced docket.

By copy of this letter, I am serving all parties of record with a copy of this motion as indicated on the attached Certificate of Service.

Sincerely,

A handwritten signature in black ink that reads "Patrick Turner". The signature is written in a cursive, flowing style.

Patrick W. Turner

PWT/sgm  
Enclosure  
cc: All Parties of Record  
DM5 #684028

**THIS DOCUMENT IS AN EXACT DUPLICATE OF THE E-FILED COPY SUBMITTED TO THE COMMISSION IN ACCORDANCE WITH ITS ELECTRONIC FILING INSTRUCTIONS.**

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2007-213-C

In Re: Joint Application of	)	
BellSouth Telecommunications, Inc.	)	
d/b/a AT&T South Carolina and	)	
AT&T Communications of the	)	<b>MOTION FOR EXPEDITED</b>
Southern States, LLC for Approvals	)	<b>REVIEW AND APPROVAL</b>
And Waivers For Proposed	)	<b>OF JOINT APPLICATION</b>
Migration of Residential Local	)	
Exchange Service Customers in	)	
South Carolina	)	
_____	)	

For the reasons set forth below, BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (“AT&T South Carolina”) and AT&T Communications of the Southern States, LLC (“AT&T Communications”) (collectively “the Joint Applicants”) respectfully request that the Public Service Commission of South Carolina (“the Commission”) consider and approve their Joint Application for Approvals And Waivers For Proposed Migration of Residential Local Exchange Service Customers in South Carolina (“the Joint Application”) on an expedited basis. The Joint Applicants have consulted the Office of Regulatory Staff (“the ORS”) and have confirmed that the ORS has no opposition to this request.

## **I. BACKGROUND**

The Joint Applicants filed their Joint Application, along with verified testimony supporting the Joint Application, on May 24, 2007. As explained in the Joint Application and the supporting testimony, the Joint Applicants would like to consolidate their provision of residential local exchange service by having AT&T Communications cease providing residential local exchange service in South Carolina and by offering all residential local exchange services in the State through AT&T South Carolina.<sup>1</sup> This consolidation will benefit customers by streamlining AT&T's residential local exchange portfolio, simplifying customer offers, and reducing customer confusion, allowing the post-merger AT&T to better provision and serve South Carolina customers.<sup>2</sup> Similar consolidations of services are being implemented in all nine states of the former BellSouth operating territory.<sup>3</sup> Because the Joint Applicants' proposed plan for consolidation requires the successful coordination of many tasks across multiple jurisdictions, the Joint Applicants requested that the Commission consider and approve the Joint Application on an expedited basis.<sup>4</sup>

## **II. GROUNDS FOR EXPEDITED REVIEW AND APPROVAL**

On June 5, 2007, the Commission's Docketing Department instructed the Joint Applicants to publish, one time, a Notice of Filing in newspapers of general circulation in the areas of the state affected by the Joint Application. The Joint Applicants complied

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<sup>1</sup> See Joint Application at 1; Verified Direct Testimony of Laura A. Reid and Rebecca Yung-Eng ("Testimony") at 6.

<sup>2</sup> Joint Application at 2; Testimony at 6-7.

<sup>3</sup> Joint Application at 1-2; Testimony at 7.

<sup>4</sup> Joint Application at 2-3; Testimony at 8.

with these instructions and on July 5, 2007, they filed with the Commission proof of publication of the Notice of Filing.

The Notice of Filing established July 6, 2007, as the deadline for persons to notify the Commission if they wish to participate in this docket. This deadline has passed and no protests, Petitions to Intervene, or other notices have been filed with the Commission or served upon the Joint Applicants. Additionally, the Joint Applicants have conferred with the Office of Regulatory Staff ("ORS") and confirmed that the ORS has no objection to this Motion.

### **CONCLUSION**

No person or entity has opposed the relief sought in the Joint Application or otherwise sought to participate in this docket. Additionally, the ORS has no objection to the Joint Applicants' Motion. The Joint Applicants, therefore, respectfully request that the Commission review and approve their Joint Application on an expedited basis. Toward that end, the Joint Applicants respectfully submit the Proposed Order attached hereto as Exhibit A for the Commission's consideration.

Respectfully submitted on this the 12th day of July, 2007.



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ATTORNEY REPRESENTING  
AT&T SOUTH CAROLINA

# EXHIBIT A

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2007-213-C

In Re: Joint Application of	)	
BellSouth Telecommunications, Inc.	)	<b>PROPOSED ORDER</b>
d/b/a AT&T South Carolina and	)	<b>GRANTING JOINT</b>
AT&T Communications of the	)	<b>APPLICATION FOR APPROVALS</b>
Southern States, LLC for Approvals	)	<b>AND WAIVERS FOR PROPOSED</b>
And Waivers For Proposed	)	<b>MIGRATION OF RESIDENTIAL</b>
Migration of Residential Local	)	<b>LOCAL EXCHANGE SERVICE</b>
Exchange Service Customers in	)	<b>CUSTOMERS IN</b>
South Carolina	)	<b>SOUTH CAROLINA</b>
_____	)	

This matter comes before the Commission upon a Joint Application by BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (“AT&T South Carolina”) and AT&T Communications of the Southern States, LLC (“AT&T Communications”) (collectively “the Joint Applicants”) for approvals and waivers by the Public Service Commission of South Carolina (“the Commission”) for a proposed migration of residential local exchange service customers in South Carolina, and upon a Motion for Expedited Review and Approval of Joint Application. For the reasons set forth below, the Commission finds that both the Motion and the Joint Application should be granted.

**I. PROCEDURAL HISTORY**

The Joint Applicants filed their Joint Application, along with verified testimony supporting the Joint Application, on May 24, 2007. On June 5, 2007, the Commission’s Docketing Department instructed the Joint Applicants to publish, one time, a Notice of Filing in newspapers of general circulation in the areas of the state affected by the Joint

Application. The Joint Applicants complied with these instructions and on July 5, 2007, they filed with the Commission proof of publication of the Notice of Filing.

On July 12, 2007, the Joint Applicants filed a Motion for Expedited Review and Approval of their Joint Application. As grounds for this Motion, the Joint Applicants noted that the Commission's Notice of Filing established July 6, 2007, as the deadline for persons to notify the Commission if they wish to participate in this docket. This deadline passed and no protests, Petitions to Intervene, or other notices were filed with the Commission or served upon the Joint Applicants. The Joint Applicants also stated that they have conferred with the Office of Regulatory Staff ("ORS") and confirmed that the ORS has no objection to their Motion.

## **II. JOINT APPLICANTS' MOTION**

The Commission finds that the Joint Applicants have shown good cause for the Commission to expeditiously review and rule on the Joint Application. The Commission, therefore, grants the Joint Applicants' Motion.

## **III. PROPOSED TRANSITION PLAN**

The Joint Applicants seek approval of their proposed transition plan that is described in the Joint Application and in the verified testimony supporting the Joint Application. The uncontroverted evidence of record shows that as a result of AT&T Inc.'s recent acquisition of BellSouth Corporation, two separate but affiliated AT&T companies –AT&T Communications and AT&T South Carolina – currently provide residential local exchange services in South Carolina.<sup>1</sup> The AT&T family of companies would like to consolidate their residential local exchange service offerings by having

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<sup>1</sup> See Verified Joint Direct Testimony of Laura A. Reid and Rebecca Yung-Eng ("Testimony") at 6.



AT&T Communications cease providing residential local exchange service in South Carolina and by offering all residential local exchange services in the State through AT&T South Carolina.<sup>2</sup> Witnesses for the Joint Applicants testified that this consolidation will benefit customers by streamlining AT&T's residential local exchange portfolio, simplifying customer offers, and reducing customer confusion.<sup>3</sup> These witnesses also testified that the consolidation into a single operational platform will allow the post-merger AT&T to better provision and serve South Carolina customers.<sup>4</sup>

The Joint Applicants' witnesses testified that in order to protect AT&T Communications' existing customers and further the public interest during the transition described above, the Joint Applicants have developed a proposed transition plan.<sup>5</sup> Beginning in early November 2007 and ending by the end of December 2007, AT&T Communications' current residential local exchange customers in South Carolina who have not chosen a different provider will be migrated to the local exchange service network, billing, and operational platforms of AT&T South Carolina.<sup>6</sup> The evidence before the Commission includes a representative sample of a letter AT&T Communications proposes to provide each of its residential local exchange customers in South Carolina at least thirty days' before the Joint Applicants begin migrating AT&T Communications' residential local exchange customers in South Carolina who have not chosen a different provider to AT&T South Carolina.<sup>7</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 7.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 11.

<sup>6</sup> *Id.*

<sup>7</sup> *See* Testimony at 12; Exhibit RYE-1.

The letter informs AT&T Communications' residential local exchange service customers that AT&T Communications will discontinue service beginning in early November 2007, and it notifies these customers of their right to choose any local exchange service provider they want prior to that date.<sup>8</sup> It also explains that AT&T Communications' residential local exchange customers who have not chosen another local exchange provider by early November 2007 automatically will be migrated to AT&T South Carolina's local exchange service platform after that date.<sup>9</sup> Upon migration to AT&T South Carolina, these residential customers will be given an AT&T South Carolina local exchange service plan that is most comparable to the customer's current local exchange service plan with AT&T Communications.<sup>10</sup>

AT&T South Carolina's witness testified that in many cases, these migrated residential customers will pay less for the AT&T South Carolina local exchange service plan to which they will be migrated than they currently pay AT&T Communications for their local exchange service.<sup>11</sup> In those cases where such a customer would pay more under the AT&T South Carolina plan, AT&T South Carolina will arrange for special credits sufficient to offset the price difference.<sup>12</sup> In no case, therefore, will a migrated customer see an increase in his or her monthly bill as a result of this migration.<sup>13</sup>

The Joint Applicants' witnesses testified that residential customers who are migrated to AT&T South Carolina will not incur service charges, loss of dial tone or

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<sup>8</sup> Testimony at 13; Exhibit RYE-1.

<sup>9</sup> Testimony at 16-17.

<sup>10</sup> *Id.* at 19.

<sup>11</sup> *Id.* AT&T South Carolina will ensure that any filings that are necessary for such special credits are timely presented to the Commission. *Id.* at 20.

<sup>12</sup> *Id.* at 19-20.

<sup>13</sup> *Id.* at 20.

emergency services, change charges, or termination fees as a result of the migration.<sup>14</sup>

The Joint Applicants have established an internal management team of seasoned telecommunications professionals to coordinate, manage, monitor, troubleshoot, and track the progress of the proposed plan throughout its various stages, events, and milestones.<sup>15</sup> Further, the Joint Applicants' witnesses testified that they will establish toll-free communications channels for affected customers to contact AT&T Communications, AT&T South Carolina, or both companies for information.<sup>16</sup>

Based on the foregoing uncontroverted evidence of record, the Commission finds that the Joint Applicants' proposed plan provides for: clear and concise advance written notifications to AT&T Communications' residential local exchange customers; an orderly transition with few, if any, service disruptions; the opportunity for AT&T Communications' residential end-user customers to choose local exchange service from any available local exchange service provider prior to being migrated to AT&T South Carolina's platform; and toll-free communications channels for affected customers to contact AT&T Communications, AT&T South Carolina, or both companies for information. The Commission, therefore, approves the transition plan described in the Joint Application and in the testimony supporting the Joint Application.

#### **IV. REQUESTED WAIVERS**

##### **A. Slamming**

The Joint Applicants ask the Commission to waive any "slamming" regulations that arguably would be violated by the migration of residential local exchange customers

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<sup>14</sup> *Id.* at 20.

<sup>15</sup> *Id.* at 12.

<sup>16</sup> *Id.* at 11-12.

from AT&T Communications to AT&T South Carolina pursuant to the plan approved by the Commission.<sup>17</sup> The Joint Applicants warrant to the Commission that they will comply with the procedures set forth in 47 C.F.R. §64.1120(e) by way of the filing of a Notice with the FCC that is substantially similar to the Notice AT&T Inc. filed with the FCC regarding substantially similar customer migrations in Wisconsin, Michigan, and Ohio in conjunction with the merger of AT&T Corp. and SBC Communications Inc.<sup>18</sup> The Commission finds that granting such a limited waiver is in the public interest and is necessary to ensure that AT&T Communications' residential customers who do not choose another local exchange service provider by early November 2007 do not experience any interruption or disruption of local exchange service when AT&T Communications stops providing residential local exchange service.

Under the plan approved by the Commission, such customers will continue to receive quality local exchange services from AT&T South Carolina without interruption while paying the same or lower amounts than they pay for their current service with AT&T Communications. All affected customers will be provided advance notice of the transfer, as well as information from AT&T South Carolina regarding services, rates and customer service. Further, such customers will be advised of their right to choose any AT&T South Carolina plan of their choosing and of their right to choose an alternate service provider. Finally, the transfer will have no effect on the ability of residential local exchange customers to switch to another carrier after the migration is completed. The Commission, therefore, grants the requested waiver.

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<sup>17</sup> Joint Application at 11-12.

<sup>18</sup> Testimony at 22; Exhibit LAR/RYE-1.

## **B. Cramming**

The Joint Applicants ask the Commission to waive any cramming regulations that arguably would be violated by the migration of customers from AT&T Communications to AT&T South Carolina pursuant to the plan approved by the Commission.<sup>19</sup> The Joint Applicants' witnesses testified that AT&T Communications and AT&T South Carolina do not offer identical calling features, services, or rate plans.<sup>20</sup> Thus, it will be necessary in the proposed migration process to transfer AT&T Communications customers to the AT&T South Carolina local exchange service plan that is most comparable to the customers' local exchange service plans with AT&T Communications.<sup>21</sup> It is possible, therefore, that after migration, some customers may receive or have access to certain AT&T South Carolina features or functionalities they did not receive (or could not access) while they were customers of AT&T Communications. As noted above, these customers will pay the same or lower amounts for the AT&T South Carolina service to which they will be migrated than they pay for their current service with AT&T Communications.

The Commission, therefore, grants the requested waiver of any applicable cramming regulations for all of the reasons that it grants the requested waiver of any applicable slamming regulations.

## **V. REQUESTED APPROVALS**

### **A. Approval Pursuant to Section 58-9-300.**

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<sup>19</sup> Joint Application at 13.

<sup>20</sup> Testimony at 24.

<sup>21</sup> *Id.*

Section 58-9-300 of the South Carolina Code provides, in pertinent part, that “no telephone utility shall abandon all or any portion of its service to the public . . . unless written application is first made to the commission for the issuance of a certificate authorizing such abandonment, nor until the commission in its discretion issues such certificate.” To the extent that AT&T Communications’ planned discontinuation of residential local exchange service constitutes an abandonment of a portion of its service to the public, the Joint Applicants request approval from the Commission for AT&T Communications to do so in accordance with the plan approved by the Commission.<sup>22</sup>

The uncontroverted evidence of record reflects that AT&T Communications provides local bundled calling plans, as well as ancillary services and calling features, to approximately 7,000 residential customers in South Carolina.<sup>23</sup> The transition plan approved by the Commission ensures that these customers will have ample opportunity to select another provider of their choice. It also ensures that those customers who do not choose another carrier will transition from AT&T Communications to AT&T South Carolina without interruption of service.

As an incumbent local exchange carrier, AT&T South Carolina has provided local exchange telecommunications services throughout its service territory in South Carolina for decades.<sup>24</sup> AT&T South Carolina possesses technical, financial, and managerial resources sufficient to provide local exchange service to AT&T Communications’

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<sup>22</sup> Joint Application at 9.

<sup>23</sup> Testimony at 9.

<sup>24</sup> *Id.* at 18.

customers, and it is in compliance with the provisions of S.C. Code Ann. §58-9-280(B)(1)-(5).<sup>25</sup>

The Commission, therefore, grants the Joint Applicants' request for approval pursuant to Section 58-9-300.

**B. Approval Pursuant to 58-9-310.**

Section 58-9-310 of the South Carolina Code provides, in pertinent part, that “[n]o telephone utility, without the approval of the Commission . . . may sell, transfer, lease, consolidate, or merge its property, powers, franchises, or privileges or any of them . . . .” To the extent that the proposed migration of AT&T Communications' residential local exchange service customers to AT&T South Carolina is subject to this statute, the Joint Applicants request approval from the Commission to implement the proposed migration in accordance with the plan approved by the Commission.<sup>26</sup> The Commission grants this requested approval for the same reasons that it grants approval pursuant to Section 58-9-300.

**C. Approval for Removal of Local Carrier Freezes**

The Joint Applicants' witnesses testified that if an AT&T Communications residential customer who has not chosen a different local exchange service provider by early November 2007 has requested a local carrier freeze on his or her account, that local carrier freeze must be removed in order for AT&T South Carolina to begin providing local exchange service to that customer under the plan approved by the Commission.<sup>27</sup> The Joint Applicants, therefore, have requested Commission approval to remove any

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<sup>25</sup>

*Id.*

<sup>26</sup>

Joint Application at 9.

<sup>27</sup>

Testimony at 25.

local carrier freezes from the accounts of any customers that are migrated from AT&T Communications to AT&T South Carolina pursuant to the plan approved by the Commission.<sup>28</sup> For the same reasons that support the Commission's granting the waivers and approvals above, the Commission grants this approval.

### **CONCLUSION**

Based on the foregoing, it is hereby ordered that:

1. The Motion for Expedited Review and Approval of Joint Application is granted.
2. The transition plan described in the Joint Application and in the verified testimony supporting the Joint Application is approved.
3. Any "slamming" regulations that arguably would be violated by the migration of residential local exchange customers from AT&T Communications to AT&T South Carolina pursuant to the plan approved by the Commission are waived.
4. Any cramming regulations that arguably would be violated by the migration of customers from AT&T Communications to AT&T South Carolina pursuant to the plan approved by the Commission are waived.
5. To the extent that AT&T Communications' discontinuation of residential local exchange service pursuant to the plan approved by the Commission requires approval pursuant to Section 58-9-300, the Commission grants such approval.
6. To the extent that the proposed migration of AT&T Communications' residential local exchange service customers to AT&T South Carolina pursuant to the

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<sup>28</sup> Joint Application at 14.



plan approved by the Commission requires approval pursuant to Section 58-9-310, the Commission grants such approval.

7. The Commission approves the removal of any local carrier freezes from the accounts of any customers that are migrated from AT&T Communications to AT&T South Carolina pursuant to the plan approved by the Commission.

8. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

G. O'Neal Hamilton, Chairman

ATTEST:

C. Robert Moseley, Vice Chairman

(SEAL)

Respectfully submitted,

Patrick W. Turner

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ATTORNEY REPRESENTING AT&T  
SOUTH CAROLINA AND AT&T  
COMMUNICATIONS

684086

STATE OF SOUTH CAROLINA                    )  
  )     CERTIFICATE OF SERVICE  
COUNTY OF RICHLAND                    )

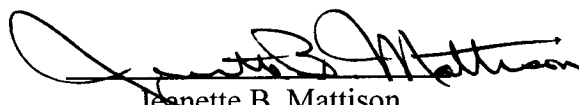
The undersigned, Jeanette B. Mattison, hereby certifies that she is employed by the Legal Department for AT&T South Carolina ("AT&T") and that she has caused AT&T South Carolina's and AT&T Communications' Motion For Expedited Review and Approval of Joint Application in Docket No. 2007-213-C to be served upon the following on July 12, 2007.

C. Lessie Hammonds, Esquire  
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